

REMARKS/ARGUMENTS

The Office Action dated December 12, 2007 has been received and reviewed. This response is directed to this action.

Information Disclosure Statement

Applicant submits that due to a previous clerical error, a reference was identified as JP 2002-202789, instead of **JP 2002-002789**. Applicant has filed an additional IDS with the correct reference. It is respectfully submitted that the examiner acknowledge such reference.

Drawings

Regarding the Drawing objection, in which the Examiner states that reference character "4a" was inconsistent. Applicants have amended Figures 1 and 5 and have deleted numeral 4a on such drawings, since 4a is described as the inclined bottom surface. The Replacement Sheets are attached to this Amendment, including the Markes-Up pages.

Rejections - 35 USC § 112

The Examiner rejected the term "bay "-like". Applicant has amended the claim to correct the indefiniteness.

Rejection - 35 USC §102

The Examiner rejects claim 1-5 as being anticipated by Perkins et al (US 6,830,323 B2). Anticipation requires identity of invention. *See* MPEP 2131. *See also* *Glaverbel Societe Anonyme v. Northlake Mktg. & Supply*, 33 USPQ2d 1496, 1498 (Fed. Cir. 1995). Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claims. *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978); *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). There must be no differences between what is claimed and what is disclosed in the prior art reference. *In re Kalm*, 154 USPQ 10, 12 (CCPA

1967.)

Moreover, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. *Ex parte Levy*, 17 USPQ2d 1461, 1462 (BPAI 1990). Although the Examiner asserts that the indicated portion by reference arrow in Figure 2 of Perkins (see Office Action, page 6) corresponds to the region for residual ink liquid of the claimed invention, Applicant submits that this interpretation is incorrect. Perkins states in Col. 3, lines 36-50:

“As shown in FIGS. 2 and 3, the fitting 18 is attached via a thermal seal to the bag 16, within an elongate opening 26 in the bag. During the thermal seal of the bag 16 to the fitting 18, a small amount of melted material from the bag flows to between parallel ribs 28 along opposite longitudinal sides of the fitting 18 to provide an essentially leak-proof seal between the bag and the fitting. A rubber septum 30 is tightly inserted into an ink egress opening 32 in the snout 20 to plug the opening. Then, an aluminum or stainless steel cap 34 is press-fitted on the snout 20. The cap 34 partially overlaps the septum 30 to capture the septum, and has a center opening 36 which allows a hollow needle (not shown) to pierce the septum in order to discharge an ink supply from the bag 16 when the cartridge 10 is used in an ink jet printer.”

Thus, it is clear that the “Region for Residual Ink” (Examiner’s term) is the opening portion of bag 16 for attaching a connector-fitting 18 to a disposable flexible ink supply bag 16 and is not for a space for storing precipitate such as residual coarse-grained ink. Although the indicated portion by reference arrow seems to be provided with a housing portion, the opening portion has no arrangement or function for storing any ink-precipitates or prevent the precipitate to flow out through snout 20 because the opening portion is maintained its shape with the connector-fitting 18 and is a mere space at which ink continuously flows when supplying ink.

Therefore Perkins et al fails to disclose the "region for residual ink liquid" and "shape retaining portion" in the claimed invention and thus the Examiner's assertion that the claimed invention is anticipated in view of Perkins et al is not proper and should be withdrawn.

Rejection - 35 USC §103

The Examiner rejects claims 6 and 7 of the claimed invention as being obvious

over Perkins et al., and further in view of Ishizawa et al., (US 6,848,775) and Sasaki et al., (US 5,566,851). A claim is properly rejected as obvious over a reference only when the differences between the claimed subject matter and the reference would have been obvious to a person of ordinary skill in the field at the time that the claimed invention was made. In addition, when an obviousness rejection is made over a combination of references, as here, it must also have been obvious to a person of ordinary skill to combine the references as suggested by the Examiner.

Applicant submits below that the so rejected claims are different from the combinations of references is such in ways which would not have been obvious to make the combination.

Concerning claim 6, applicant submits that in addition to the previous discussion of the primary reference of Perkins, applicant submits that the element "contact prevention member 61" shown in Figure 7 of Ishizawa is formed from piano wire or a so-called wire for preventing close contact between interior surfaces of an ink pack 24 and is not suitable for storing precipitate. Although in Ishizawa, coarse-grained ink in the ink pack 24 may be stored in a bottom portion through a space between both sides of the contact prevention member 61 of the ink pack 24; however, the stored ink might flow in reverse from the space to a printer because the space is too large to prevent the flow in reverse. To the contrary, according to claim 6 in the claimed invention, such flow in reverse of the coarse-grained ink can be prevented with the sheet-entry preventing member in the shape of an orifice pore.

According to Figure 27 and 28 of Sasaki, "a path forming plate 95" having "a plurality of liquid openings 95c" is provided in a flexible bag 82; however, the liquid openings 95c are not formed in the shape of an orifice pore and thus can not prevent the flow in reverse. Furthermore, since the path forming plate 95 is fixed to the inner side of the bag (Sasaki: column 9, the last paragraph) and the liquid portions 95c are arranged toward the direction of a mouth 83, the liquid in the bag may pass through the liquid portions 95 and flow out from the mouth 83 to outside.

Thus applicant claims a system which would not have been obvious by combining the references. there are non obvious structural between the claimed invention and the

combination of Perkins and Ishizawa.

To further distinguish, Applicant has amended independent claim 1 to include "the shape retaining member 5 is provided by the sheet-entry preventing members 6 formed in the shape of an orifice pore" and "the direction of the orifice pore is not arranged toward the direction of the ink supply opening 3". These features provide further clarity over cited references and overcome the rejection under 35 USC §103, accordingly.

Thus, applicant submits that the rejections are overcome and the Examiner should withdraw his objections.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By: Christa Hildebrand

Christa Hildebrand

Reg. No. 34,953

875 Third Avenue - 18th Floor

New York, New York 10022

Phone: (212) 808-0700

Fax: (212) 808-0844

Facsimile: (212)808-0844